

The fact that the bill is filed by the next friend of only one of the infants, is immaterial if all of the infants are summoned and answer by guardian *ad litem*; nor is it material that the bill prays for a sale and distribution and not for an investment, where the bill alleges that both a sale and investment would be for the benefit, etc. *Mumma v. Brinton*, 77 Md. 200. And see *Bolgiano v. Cooke*, 19 Md. 392.

A decree will not be reversed or vacated because the witnesses failed to state the facts which show that a sale would be for the benefit of the infant. *Gregory v. Lenning*, 54 Md. 57. And see *Bolgiano v. Cooke*, 19 Md. 392.

A suit under this and the preceding section, does not abate by the death of one or more of the infants. *Tilly v. Tilly*, 2 Bl. 440.

The act of 1818, ch. 133, was not a repeal of the act of 1816, ch. 154. Failure to make the infant a party. Ratification. *Hunter v. Hatton*, 4 Gill, 123.

See notes to sec. 57.

1904, art. 16, sec. 55. 1888, art. 16, sec. 50. 1860, art. 16, sec. 38. 1831, ch. 311, sec. 12. 1849, ch. 429.

59. In all cases where it shall appear to the court by proof, as provided in the preceding section, that it would be for the benefit and advantage of an infant to raise money by mortgage to improve his real property, or to pay any charges, liens or encumbrances thereon, the court may, on application of the guardian or next friend of such infant, decree the conveyance of any interest, estate or term of years of such infant in any lands or real estate by way of mortgage, in such form and on such conditions as the court may direct; and the court may direct the guardian of such infant to execute such conveyance. The provisions of this section are to apply to the interest or estate which any infant may hold in common or jointly with any person of full age, and to all interests or estates to which any infant may be entitled in reversion, remainder or otherwise, and the court may decree that the interest of the tenant of the particular estate, or the holder of the prior remainders may be mortgaged with the consent of such tenant or holder.

Ibid. sec. 56. 1888, art. 16, sec. 51. 1860, art. 16, sec. 39. 1831, ch. 311, secs. 2, 3. 1835, ch. 380, secs. 5, 9.

60. Where an infant is entitled to any lands or tenements, or chattels real, or is entitled to any particular estate for life or for years, or otherwise, or to a remainder or reversion, or executory devise, or if an infant be entitled to any trust or use in or out of such lands, real estate or chattels real, or the rents, issues and profits thereof, in all such cases the court, on petition of the guardian or next friend, and on being satisfied by proof as in cases where a guardian applies for the sale of an infant's real estate, that it would be advantageous for said infant to demise such lands, real estate or chattels real, may decree that the same be demised for a term of years, renewable forever, or otherwise, and yielding such rent, and on such terms and conditions as the court may direct; provided, that where the infant is only entitled to a part of the estate, as tenant of the particular estate, or remainderman or otherwise, all the owners of the other parts, so as to embrace the entire fee if a freehold estate, or the whole term if leasehold, assent to the passing of such decree.

A proceeding under this section, contrasted with a proceeding under section 228—see notes thereto. *Newbold v. Schlens*, 66 Md. 588.

See notes to sec. 63.